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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,326	07/18/2000	Yoshio Hagihara	15162/02250	9829
24367	7590	01/13/2005	EXAMINER	
SIDLEY AUSTIN BROWN & WOOD LLP			LONG, HEATHER R	
717 NORTH HARWOOD			ART UNIT	
SUITE 3400			PAPER NUMBER	
DALLAS, TX 75201			2615	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/618,326	Applicant(s) HAGIHARA ET AL.	
	Examiner Heather R Long	Art Unit 2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 1-51 and 53-55 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 52 and 56-58 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Species X in the reply filed on 1/5/2004 is acknowledged.

It is noted that only claim 56 contains all limitations necessary for Species X. All other claims are withdrawn for reasons discussed below.

Claims 1 - 31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

It is noted that applicant has deemed claims 1 and 31 as being generic to all Species I - X. Such is not the case as the claims do not contain all of the essential portions of the elected species. Furthermore, Claim 1 is fundamentally different from the elected species in that the claims are drawn to placing a voltage on the control electrode of the 1<sup>st</sup> transistor as compared to placing a voltage on the second electrode as provided for in Species X.

Claims 35 and 46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

It is noted that applicant has deemed claims 35 and 46 as being "sub-generic" to Species VII - X. Such is not the case as the claims do not contain all of the essential

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portions of the elected species (i.e. 1<sup>st</sup> and 2<sup>nd</sup> transistors, Amplifying transistor, Select line transistor and Integrating capacitor). Since the applicant has submitted, in the specification, a description of an invention fundamentally different from the elected species, there are no generic (or sub-generic, a term which is not directly recognized by the office) claims present.

Claims 32 - 34, 36 - 45 and 47 - 55 are withdrawn from further consideration pursuant to 37 CFR 1. 142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

It is noted that applicant has deemed claims 32 - 34, 36 - 45 and 47 - 55 as relating to Species X. Such is not the case as the claims do not contain all of the essential portions of the elected species (i.e. 1<sup>st</sup> and 2<sup>nd</sup> transistors, Amplifying transistor, Select line transistor and Integrating capacitor). Since it is not easily seen that such features would be an obvious variation, through the detailed description of the portions of the elements used and the direct connection descriptions between those elements, one would need to include all of the portions of the elected species to be deemed a part of the species.

In other words, the office does not deem the claims that are missing one or more elements of the elected species (i.e. no amplifying transistor) to be a part of this species since they would instead relate to a separate species (all elements the same except for the missing amplifying transistor in Species IX).

2. Applicant's election with traverse of the withdrawn claims in the reply filed on 7/26/2004 is acknowledged. The traversal is on the ground(s) that claims 1-3, 31-33, 35, 36-38, 40, 45, 46-50, and 53-60 are believed to read on the elected species; that claims 1 and 31 are believed to be generic to all of the species (I-X) while claims 35 and 46 are believed to be subgeneric to species VII, VIII, IX, and X. This is not found persuasive due to the reasons as stated above and previously stated in the office action mailed 2/25/2004.

The requirement is still deemed proper and is therefore made FINAL.

#### ***Allowable Subject Matter***

3. Claims 52 and 56-58 are allowed.
4. Reasons for allowance were previously stated in the office action mailed on 2/25/2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-

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0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heather R Long  
Examiner  
Art Unit 2615

HRL  
January 7, 2005

  
TUAN HO  
PRIMARY EXAMINER